Thought-Provoking Winter Term

The Mudd Center finished up its year-long series on “Market and Morals” by bringing to campus an impressive array of multidisciplinary speakers during the winter term. We started with a poet’s reflections on the pervasive role of markets in our lives and ended with a political philosopher’s challenge to critically evaluate the role of large philanthropic foundations in a democratic society. In between, we learned about businesses’ use of “big data” to develop new insights into customers, considered whether corporations can be morally responsible, and spent two days investigating a vast array of ethical issues surrounding the acquisition, marketing, and restoration of cultural heritage objects. We also hosted our second Undergraduate Conference in Ethics, which featured a keynote address on the ethics of religious and racial immigration bans.

Once again, the Mudd Center’s Zach Taylor ’17 shares his synopsis of, and opinions about, each of these events. If you were unable to attend any of these events, we invite you to read about them in the following pages. We congratulate Zach on his graduation and wish him the very best next year in his work as a John and Mimi Elrod Fellow.

We are already hard at work putting together our lineup for next year’s series, which will explore the topic of “Equality and Difference.” Tariq Ramadan, Professor of Contemporary Islamic Studies at the University of Oxford, will give the keynote address for this series on Thursday, Sept. 28. Mark your calendars, and we hope to see you there!

— Angie Smith, Director, Mudd Center for Ethics
Susan Briante and “The Market Wonders”

The first Mudd Center for Ethics event of the new year brought together professors and students of English, philosophy, business, economics, and classics, to listen to Susan Briante, poet and associate professor of creative writing and literature at the University of Arizona. This past year, Briante published “The Market Wonders,” a book of poetry that takes as its object our capitalist market. For instance, the first section of the book, titled “Towards a Poetics of the Dow,” includes headers above each poem that have the date and the number at which the Dow Jones Industrial Average finished that day. Briante’s lecture was just as creative as her book; she described how and why she wrote “The Market Wonders,” read a few selections, and explained why she thinks our economic system obscures what we owe to each other, even when we can find our credit scores at the touch of a button.

Briante said that she wrote “The Market Wonders” as a response to the 2008 financial crisis. She described the book as a lyrical exploration of her own lived experience of the crisis and its catastrophic aftermath, when stock markets tumbled and foreclosed homes lined the streets of many American communities. She explained that it was at this critical economic moment when she noticed we often talk about the market as if it were a person; the market “rallies,” it “worries” and “hesitates.” This inspired her to personify the market in many of her poems; “The Dow Jones was my Muse,” she said. And even if she felt it was this distant creature, removed from the non-calculative realm of her poetic life, it was nevertheless woven intricately into her daily routine. This realization motivated the final prose poem of “The Market Wonders”— “Mother is Marxist.”

“Mother is Marxist” captures the fundamentally defiant attitude a mother adopts toward the market, which seeks to ascribe children with monetary value and exploit the affections of the mother-child relationship. “Mother is not a biological or relational subject position,” Briante writes, “but can be an attitude of resistance before the market.” A mother exposes “as false and pernicious the mystification of capitalist instantiations of value, promiscuous relations of value and their violence.” This beautifully philosophical prose strikes at a truth about mothers and motherhood so often underappreciated, if even mentioned at all. And Briante’s poetic analysis penetrates even deeper. Not every mother, she says, has the same capacity for resistance. “Many parents may want to register and respond to the values the market places on their child, but a parent’s own depressed value may leave her with scant time to challenge market valuations of her children, child, self.” She notes how she feels her own “depressed value as a woman” and her “surplus value as a white ethnic.” These are further iniquities that the market fails to account for; in fact, once more, it doesn’t seem to care much at all about such petty structural injustices. “Mother is Marxist” is therefore the climax of Briante’s meditation on the cruelty of cold calculation and market valuation. “The market scans my child, calculates pecuniary value,” she observes. Must we accept this passive stance toward the market and its methods?

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Toward the end of her talk, Briante said that the intersection between the market and politics has become a one-way street toward profit maximization and exploitation. Her poetry reflects this serious concern: “You can hear the swish of dollars washing down the sewer line, second by second, you can hear the stock ticker ticking away.” To be sure, Briante’s poetry is beautiful. Beyond this, however, it calls upon us to radically reconceive the way we think about markets, our relationship with them, and our complicity with rampant economic exploitation. In this sense, her lecture had obvious ethical undertones. “How can we be better?” her poetry effectively asks us. “The poem is a high-risk investment, a long-term commitment,” Briante at one point explains in “The Market Wonders.” “Like a big dirty city, it should make you feel / a little uncomfortable.”
Sandy Reiter On Whether Corporations Can be Morally Responsible

Over lunch on Feb. 15, Sandy Reiter, associate professor of business administration at Washington and Lee University, tackled an extremely difficult and consequential question: can corporations be morally responsible? Given the concrete impact corporations can have on individuals’ lives and the ways in which many of us express resentment toward certain companies when we feel they have acted badly, the topical import of Reiter’s question is clear. In effect, she asked whether a collective, distinct from its members, can be morally responsible.

The move from individual moral responsibility to collective moral responsibility is a difficult one; while we have an intuitive sense of what it means to be responsible on an individual level—and despite this intuition, there is nevertheless philosophical debate on this issue as well—we do not seem to have a similar intuition about collectives like corporations. Careful ethical analysis is therefore necessary.

Reiter first established what she means by personal moral responsibility. If a person is morally responsible for an act, she claimed, then her act must be morally attributable to her—that is, it must be reflective of her judgmental activity. On the same token, for a corporation to be morally responsible for an act it must be capable of judgmental activity, and its act must be similarly reflective of this activity. She applied three tests to determine whether acts can be morally attributable to corporations.

The first test asks whether acts can be attributable to a corporation distinct from its members. The fact that individual persons make decisions as a part of a collective that they would not make otherwise—that is, were it not for their corporate membership—seems to indicate an affirmative response. Reiter credited this phenomenon to specific employee roles that influence actions that, in turn, only make sense when understood as part and parcel of the objectives established by a corporate collective. She cited an example in which board members sit down to select a new CEO. They settle on a candidate whom nobody wants as their first choice yet, at the same time, whom none of the board members object to. Individually, none of them would have selected this candidate; collectively, that is exactly what they do. The second test asks whether corporations possess intentional agency, which Reiter defined as the ability to see, assess, and respond to reasons.

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Corporations (continued from previous page)

On the corporate level, reasons are connected to a corporation’s objectives. These objectives can be different than individual member objectives, and a corporation can ensure that each of its employees does her part to advance them. Corporations, then, seem to have intentional agency.

The final test asks whether corporations have moral agency, which Reiter defined as the ability to see, assess, and respond to moral reasons and, in addition, the ability to modify desires and beliefs as a result of moral assessment. While it may appear that the corporate objective to maximize profit cannot be questioned and, insofar as profit maximization is the lynchpin of all corporate activities, that corporations lack the ability to modify desires and beliefs after moral assessment, she claimed that the priority given to the for-profit goal can in fact be challenged. Moreover, the corporate internal decision, or CID, structure, which works to assess corporate objectives on a collective level, influences individuals’ judgments about the relative value of moral options irrespective of their own moral compasses. The debate over whether to recall a hazardous vehicle that has killed people, for instance, has serious moral implications. The CID structure may produce a decision not to recall the vehicle that is morally repulsive yet, at the same time, in the corporation’s best interests. Reiter was keen to point out that in such an instance, the CID structure does not completely determine the corporate members’ decision not to recall the vehicle; they still retain the ability to reflect on the moral considerations that may not be adequately captured by the CID structure itself. In this way, individual members of a corporation can be personally morally responsible for corporate actions. Perhaps more importantly, however, Reiter said that the CID structure itself can be said to reflect a corporation’s assessment of various moral considerations. Through the CID decision-making structure, the corporation seems to demonstrate the capabilities characteristic of moral agency. When we hold a corporation morally responsible for some harm it has done, we may therefore be asking it to reconsider its assessment of moral considerations otherwise weighted by the processes of the CID structure.

Reiter was careful to note that her belief that corporations can be morally responsible does not mean that they are persons. Her analysis of responsibility does not rely on the notion recently put forth by the Supreme Court in “Burwell v. Hobby Lobby” that “the term ‘person’ sometimes encompasses artificial persons” such as for-profit corporations, but rather on “the dynamic group reasoning” that corporations regularly employ. Of course, if we were to accept Reiter’s conclusion, it would have serious consequences for how we blame corporations for morally impermissible actions. She noted that her question about responsibility is separate from similar questions about blameworthiness. Those of us at lunch who were persuaded by Reiter’s detailed analysis will therefore need to think more about sanctions, punishments, and our own reactive attitudes toward corporations. Perhaps, over another lunch, she can help us with those issues too.

The move from individual moral responsibility to collective moral responsibility is a difficult one; while we have an intuitive sense of what it means to be responsible on an individual level . . . we do not seem to have a similar intuition about collectives like corporations.
University of Maryland Professor and computer scientist Jennifer Golbeck successfully terrified the students, faculty, and staff who listened to her lecture at Stackhouse Theater on Feb. 2. Those of us who use social media platforms such as Facebook and Twitter, she explained, leave ourselves exposed to corporations, hackers, and other entities and persons keen to acquire our private information. “My data is harvested legally all the time and then sold to different companies,” Golbeck said. “I don’t own it.” She insisted that we should be concerned about this online vulnerability because it allows scientists to discover our “hidden secrets” and even predict future behavior, all based on data obtained without our consent. This raises a serious ethical concern: if I don’t have a say in who can access my online information and what they can do with it, this seems like an obvious and ominous violation of my privacy.

How worrisome is this threat to privacy? Golbeck cited one study in which researchers could predict participants’ IQ levels with remarkable accuracy based solely on their Facebook “likes.” The smartest participants liked “science,” “thunderstorms,” “The Colbert Report,” and, somewhat bizarrely, “curly fries.” Golbeck noted that there is no necessary connection between smart individuals and, say, thunderstorms; rather, online trends spread in similar ways to diseases, and when one smart person likes “thunderstorms,” it makes it more likely that her friends, and those people’s friends, and so on, many of whom happen to have comparable IQs, will like “thunderstorms” as well. In this way, our Facebook behavior can actually say a lot about our personalities, our interests, and what we will do in the future, even if we don’t know that information ourselves.

While these conclusions may seem fairly innocuous, there are more sinister ways in which corporations, institutions, or private individuals can use statistical data to make important decisions. Golbeck told the story of a teacher at an elementary school in Washington, D.C. who was fired on account of a low score determined by “value-added,” a complex statistical tool used to measure a teacher’s effectiveness in the classroom. Despite this teacher’s low score, however, other teachers, her students, and students’ parents all praised the teacher for the quality of her instruction. Every other non-statistical indicator implied that she should not have been fired and yet, for reasons not entirely clear even to those who created the statistical tool, value-added deemed her performance unsatisfactory. Additional evidence, however, still didn’t tip the scales; the teacher was fired and now teaches at a private school that is more than happy to have her on board. At a time when exceptional educators (continued)
Digital Dust (continued from previous page)

are most needed at public schools, Golbeck noted, data-driven computer science failed to do its job. Moreover, the “black-boxy” nature of value-added should trouble us. If an algorithm’s interpretive methodology eludes us, why should we trust its conclusions?

Golbeck pointed to one other potentially worrisome use of online data. With reference to social media posts and tweets, researchers were able to determine with 85-90 percent accuracy whether alcoholics at the time of their first Alcoholics Anonymous meeting would be sober in 90 days. In addition, once more based solely on online activity, they could determine the most effective ways to address the problems participants encountered with alcoholism. On the one hand, this seems like a praiseworthy development. Advocates and counselors may be able to use this information to actually help alcoholics with issues otherwise difficult to discern through more traditional therapy. On the other hand, Golbeck said, it seems plausible that prosecutors with access to this data could use it to determine whether to send someone with a DUI conviction to prison or recommend treatment. If it’s probable that an alcoholic will not be sober in 90 days, then prosecutors can cite this evidence in support of a prison sentence. This should concern us, Golbeck asserted, not only because a data-driven approach can only predict—with room for error—the future behavior of an alcoholic who uses social media, but also because such data is more often than not acquired without consent.

These are new questions, new concerns, and new ethical conundrums that computer scientists, politicians, ethicists, and ordinary internet users need to contemplate. At the moment, Golbeck said, there are too few rules and institutional barriers to massive data acquisition without consent. If we lack the ability to cover our footprints in the digital dust, we at least need to determine with the utmost caution who we permit to access those footprints. While Golbeck may have appropriately scared her audience, she also equipped them with the intellectual tools needed to tackle this critical endeavor.

Jennifer Golbeck talks with Angie Smith and guests during her post-lecture reception.

Welcome (Back) Beth Valentine ’10

The Mudd Center is delighted to welcome W&L alumna Beth Valentine (’10) as our second Ethics Postdoctoral Fellow this July. Beth is currently finishing up her Ph.D. in philosophy at Rutgers University, which is one of the top-rated philosophy graduate programs in the world. Her research focuses on issues in the philosophy of law and ethics, and she plans to teach courses both at the law school and in the undergraduate curriculum during her tenure as a postdoctoral fellow. Her dissertation, “Fictitious-Consents: What They Are and What They Aren’t,” analyzes alleged forms of fictitious consent to explore if and why these practices should have normative force. Other areas of interest include non-fictitious consent, justifications of punishment, bioethics, and various issues in tort law. She has also written on the non-identity problem in population ethics. Her work on these issues has been presented at various conferences in the U.S., Canada, Sweden, the U.K., and Israel. She has a B.A. in Philosophy and Politics from Washington and Lee University and a Master of Studies in Law from Yale Law School. In her free time, she enjoys reading science fiction and is excited to return to her alma mater (and warmer weather).
Neil Brodie on Controlling the Globalized Market in Cultural Objects

On March 2 and 3, the Mudd Center partnered with the Department of Art & Art History and the Staniar Gallery to host a Conference on the Ethics of Acquiring Cultural Heritage Objects. Melissa Kerin, Assistant Professor of Art History and Clover Archer, Director of the Staniar Gallery, worked with Angie Smith to bring to campus seven scholars, a law enforcement practitioner, and a visual artist to examine a host of ethical issues surrounding the transnational market in cultural heritage objects.

Neil Brodie, senior research fellow in Endangered Archaeology in the Middle East and North Africa Project at the University of Oxford, kicked off the conference on March 2. Brodie, who has been researching the illicit trade in cultural objects for nearly two decades, outlined the ways in which the situation in trafficking antiquities has transformed since the middle of the 20th century, when a handful of art treasures, rather than a myriad of small objects such as coins and statuettes, constituted the vast majority of stolen items that ended up in museums across North America and Europe. He also discussed how art historians, archaeologists, and cultural heritage institutions have responded to the trade in cultural objects as it has changed over the years, and how the Association of Art Museum Directors has repeatedly established new rules in an effort to curb the sale of trafficked antiquities.

Ultimately, Brodie claimed that there has been a policy failure when it comes to eliminating the market for stolen objects, and therefore put forth his own policy recommendations he thinks will be more effective.

The illicit trade in cultural objects can be difficult to address since, in most instances, traffickers illegally steal these objects from cultural heritage sites, while museums and private collectors legally purchase them from intermediaries who sell the unprovenanced objects. In the middle of the 20th century, Brodie explained, the so-called ecosystem for the sale of illicit antiquities was fairly straightforward. Looters in poorer countries would distribute a relatively small number of highly valuable stolen objects to a network of intermediate vendors, who sold them to auction houses. (continued next page)
Cultural Objects (continued from previous page)
such as Sotheby’s and Christie’s, who then sold them to
either museums or private collectors. Two main principles
guided policy at the time: the protection of source
material at cultural heritage sites and the recovery and
restitution of stolen objects to their countries of origin.
This was, Brodie said, a more or less effective peacetime
strategy. Whenever conflict broke out in regions with a
treasure-trove of cultural heritage sites, however, it failed
miserably, since it was difficult to protect archaeological
sites in war-torn countries and the focus on recovery and
restitution did little to stop criminals participating in the
market. Subsequent measures—such as those adopted
by UNESCO—were reactionary and country-specific;
one more, they failed to address the root causes of the
trade and overlooked the way in which globalization was
beginning to shape the market.

Today, the ecosystem for the
sale of illicit antiquities looks
quite different. For the most part,
Brodie said, the old ecosystem has disappeared,
at least in North America and
Europe (though it may still
be prevalent in places like
Australia and Singapore). The
market that has arisen in its
place is more visible, facilitates
the movement of many more,
less valuable stolen objects, and thrives on the internet.
Looters today now distribute antiquities to intermediaries
who, in turn, advertise their goods on social media outlets
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Brodie advocated an international approach that
recognizes how numerous parties in different
countries all contribute to
the trade of stolen objects. Just
as the authorities in Libya, for instance, should
focus on apprehending
looters at archaeological sites, British and American
authorities should find out how conservators and even
academics facilitate trade by restoring stolen objects and
helping sellers identify and translate material. Finally,
Brodie said that new policy measures must be proactive
and sustained, rather than reactionary and intermittent.
In effect, authorities need to try to stop the illicit sale of
antiquities before those sales occur. Otherwise, the market
will continue to thrive.

Brodie’s lecture helped contextualize what is at stake when
it comes to the globalized market in cultural objects.
He also offered practical steps that we can take in a
collective attempt to prevent not only the destruction of
archaeological sites, but the communal pain felt by people
in conflict-ridden nations who identify strongly with ruins
that serve as a testament to their shared cultural heritage.
As it stands, the law consistently fails to be effective in this
endeavor, while ethical self-regulation on behalf of looters,
intermediaries, and private collectors continues to fall
short. Brodie’s policy recommendations therefore strive to
close the gap between law and ethics.
Joy Lynn Davis on Remembering the Lost

A woman in the Kathmandu Valley in Nepal was telling Joy Lynn Davis, on one of her many trips to the region, about how there had been an ancient statue of the Buddha outside her home since she was a child. She and her friends would play in the area around the statue, each laying claim to a special relationship with it over and above that of the other children. Then, one day, the statue was gone. It had been stolen and, presumably, sold to a private collector in some far away land. As she told Davis this story, she began to cry. She had cherished that statue of the Buddha, and it was now lost forever.

Davis, an artist from California who divides her time between Santa Barbara and Patan, Nepal, spoke at Washington and Lee to close the Ethics of Acquiring Cultural Heritage Objects conference on the evening of March 3. She described her current project, titled “Remembering the Lost: Community Response to the Theft of Nepal’s Sacred Sculptures,” which, according to her website, “documents community response to the theft of stone sculptures from the Kathmandu Valley of Nepal through a series of photo-realistic paintings and research about the sites where the sculptures originated.” The Staniar Gallery at Washington and Lee hosted the “Remembering the Lost” exhibition from Feb. 9 to March 17, offering students, faculty, and Lexington community members the opportunity to appreciate Davis’s remarkable work. Each photo-realistic painting—and each really does look like a photograph—depicts a sacred space in Kathmandu as it looks presently and then visually “repatriates” stolen sculptures back into the sites with 23 karat gold. The use of gold is important; it not only allows viewers to see which sculptures have been stolen, but also “references the commodification of the sacred through its associations with both wealth and divinity.” In an effort to better inform viewers about these cultural treasures, a didactic panel accompanies each painting and includes relevant photographs, excerpts from interviews with locals, and information about where the sculptures are now. In addition, Davis created a separate website that allows viewers to see a map of the sites depicted in her paintings, and to search a database of information and photographs of all known thefts from the Kathmandu Valley. It really is a holistic artistic and ethical endeavor.

She and her friends would play in the area around the statue, each laying claim to a special relationship with it over and above that of the other children. Then, one day, the statue was gone.

In her lecture, Davis described that despite a considerable shift in the ecosystem related to the illicit sale of antiquities from the Middle East and North Africa, many valuable sculptures continue to disappear from Nepal’s sacred sites. Moreover, the Nepal earthquake of April 2015, which damaged a number of temples and shrines in addition to thousands of homes, made it more difficult to protect cultural heritage sites from looters, some of whom justified their actions with reference to the chaos in Nepal at the time, thinking that the statues would be better protected elsewhere. All in all, Davis has personally tracked down around 160 objects that have been stolen in Kathmandu, though she estimates that the total number of missing antiquities is probably closer to 1,000. In many instances, it is poor Nepalis, tempted by deals proffered by local art traffickers, who steal these precious objects. In time, they make their way to private collectors in Europe and North America and, in some instances, to museums in major cities like Dallas and Paris.

And these objects are indeed precious. In fact, for religious Nepalis, they are not just objects, but rather incarnations of divinities each with a specific task. Davis discussed how worshipers physically interact with statues, inscribing prayers and requests on the walls next to them and rubbing sindoor on their heads, necks, and chests. The disappearance of a statue of Vishnu, for instance, one of the principle deities of Hinduism and the preserver and protector of the universe, is therefore a true catastrophe mourned by Nepali communities. Sometimes, villagers even commission crudely-made replicas to replace the stolen deities. Of course, Davis “repatriates” them in her own way, painting them back into her scenes of sacred sites in brilliant gold.

Davis’s lecture capped off a highly successful conference at which presenters discussed repatriation, (continued next page)
The Lost (continued from previous page)

national sovereignty, the destruction of cultural heritage objects from an economic perspective, digitizing cultural heritage, and current efforts in Iraq and Syria to document archaeological remains before they potentially disappear. Once more, the Mudd Center, in collaboration with the Stanier Gallery and the Washington and Lee Department of Art and Art History, proved its commitment to an interdisciplinary approach to ethics, bringing together anthropologists, economists, art historians, artists, ethicists, religious historians, and archaeologists to think hard about salient and pressing issues in our world today.

During the two-day conference, seven other speakers shared their expertise in a variety of areas related to the ethics of acquiring cultural heritage objects. Stimulating lectures, a panel discussion, student small-group gatherings, faculty fellows discussions, and even several interviews by NPR were all a part of the conference.

Above: The Antiquities Conference panel, left to right: Melissa Kerin, Angie Smith, Domenic DiGiovanni, Salam Al Kuntar, Neil Brodie, Erin Thompson, Morag Kersel, James Cuno, and Chip Colwell. Also part of the panel, but not pictured, was Shikha Silwal, at left. (Photos by Kevin Remington and Debra Frein)
On March 12, four undergraduate students traveled to Washington and Lee University to deliver papers on a wide variety of ethical issues, ranging from what our attitudes should be toward death to whether citizens are morally obligated to contribute to their communities’ local media outlets. It is not hyperbolic to characterize this second annual Mudd Undergraduate Ethics Conference as a tremendous success, both on account of the students’ excellent papers and their enthusiasm to put forth publicly their own ethical ideas, which they defended with thoughtfulness and intelligence. Perhaps most importantly, each student’s presentation stimulated rich discussions about salient issues that were relatable and of considerable import to those who attended the conference.

Rather than explain why, exactly, religious and racial immigration bans are wrong, however, Akhtar sought to locate the wrong in an effort to determine who is wronged and in what way.

Sahar Akhtar, assistant professor of philosophy at the University of Virginia, capped off the conference with her keynote address titled “Why Religious and Racial Immigration Bans are Wrong,” a highly relevant and consequential topic in light of current political debate about immigration. Rather than explain why, exactly, religious and racial immigration bans are wrong, however, Akhtar sought to locate the wrong in an effort to determine who is wronged and in what way.

Akhtar similarly rejected the claim by other political theorists that religious or racial immigration bans are morally impermissible on account of the obligation states have to provide a reason or reasons to non-members for excluding them. It is not simply a nation-state’s failure to provide a justifiable or defensible reason that makes its exclusionary ban wrong. Even if one were to concede that there are justifiable and non-justifiable reasons for exclusion, she explained, it would be mistaken to locate the wrong in such bans in this reasons-giving enterprise, rather than in the bans themselves. (continued next page)
Akhtar ultimately concluded that the best way to account for the fact that identity-based exclusions are impermissible is by denying that nation-states have sole discretion over their memberships. In other words, a religious or racial immigration ban is wrong because a country such as the United States simply does not have the final word when it comes to who is allowed to enter its borders. While Akhtar’s claim no doubt upends traditional ideas about a nation-state’s unilateral powers with respect to its membership, it also makes room for other voices and perspectives in the political conversation surrounding immigration. It is important to note that Akhtar did not claim that a nation-state has no say in this conversation; instead, she challenged that it has the only say.

Akhtar’s lecture was a persuasive and provocative finale to the Mudd Undergraduate Ethics Conference. She demonstrated to the presenters and burgeoning philosophers in the audience what we can aspire to do as ethicists—namely, to identify, explain, and critically evaluate important issues in the public sphere.

Rob Reich on Philanthropy and Democratic Society

For the final Mudd Center for Ethics lecture of the year, Rob Reich, professor of political science at Stanford University, delivered a talk titled “Repugnant to the Whole Idea of a Democratic Society? On the Role of Philanthropic Foundations.” Given that Peter Singer’s keynote lecture for the Mudd Center last October touched on elements of effective altruism and gift-giving, Reich’s address, which focused on the role philanthropy should play in a democratic society, if it has any role to play at all, was the perfect capstone to the Mudd Center’s “Markets and Morals” lecture series this year. Reich noted philanthropy’s two important connections to the market and its norms: first, the marketplace’s inequalities make philanthropy possible, or even necessary (from a certain moral point of view); and second, while philanthropic efforts often start from the heart, they soon incorporate market analytics and an outcome-driven, return-on-investment attitude ubiquitous in the market sphere. Reich asserted, however, that we should not wish for a philanthropic sector that mirrors marketplace norms.

He focused almost exclusively on what he referred to as “big philanthropy”—e.g., philanthropic organizations such as the Bill and Melinda Gates Foundation. While big philanthropic organizations constitute a rather small portion of the
Philanthropy (continued from previous page)

philanthropy sector, their activities have enormous consequences. Reich noted that the conventional attitude toward wealthy philanthropists at the head of such organizations is gratitude: “We venerate the great philanthropists among us,” he said. Yet in his view, what we truly owe wealthy philanthropists is an attitude of skepticism or uncertainty. Why should we allow philanthropists to exercise such massive influence on political structures, for instance, when they are unelected? Why should we welcome the plutocratic elements of big philanthropy into our democratic society? And when is philanthropy an unaccountable exercise of power?

Reich explained how when John D. Rockefeller founded the Rockefeller Foundation, one of the first philanthropic organizations in the United States, he encountered considerable resistance from public officials in Washington, D.C., who questioned the very idea of a foundation. They worried that the foundation was a patently undemocratic institution, and Reich indicated that he wants to revive this kind of skepticism. He identified three main oddities, or concerns, about philanthropies.

First, he pointed out how ordinary citizens have no recourse to remove or considerably alter philanthropic involvement in public matters, such as education. Philanthropies are not subject to political controls, for instance, nor are they subject to marketplace accountability; they have no business rivals, so to speak. Second, he called attention to the donor-directed purpose of a philanthropy that, ideally, exists forever, and often calls for heavy familial involvement. In this sense, philanthropies are not unlike small fiefdoms; immune to the norms of representative democracy, control over a foundation such as Rockefeller’s can pass from one family member to another without democratic oversight. Finally, Reich took issue with the generous tax subsidies afforded to large philanthropic organizations. He noted how these subsidies redundantly offer wealthy philanthropists a tax-incentivized liberty to do what they already have liberty to do in a democratic society—namely, the freedom to donate their own money however they would like when gift-giving. This is especially problematic, Reich claimed, since the funds in large foundations are therefore not simply those which the philanthropic founder contributed, but also funds that, had they been taxed, would have filled the public coffers and, presumably, would have been used by the government to address the same needs that the philanthropy also seeks to address. Why encourage philanthropy when the state can potentially tackle the same problems that philanthropy tries to tackle in the first place?

Why should we allow philanthropists to exercise such massive influence on political structures, for instance, when they are unelected?

Toward the end of his lecture, Reich sought to redeem the role of philanthropies to a certain extent, pointing to the ways in which they can actually serve democratic society, rather than undermine it. On the one hand, he claimed, one might make a case on behalf of philanthropies with reference to pluralism; that is, it seems appropriate to decentralize the distribution of primary goods, so that institutions other than the state can address prevalent social concerns. Reich, however, finds this particular redemptive effort unsatisfactory. He said that if philanthropies engender pluralism, it is a rather plutocratic pluralism; they only allow for the minority preferences of a small number of wealthy people to be expressed in public life. On the other hand, he called attention to philanthropies’ role in discovering new, effective policies. Precisely because they are free from ordinary forms of accountability and can operate over a long time-horizon, they can be “innovation labs,” he said, for unpopular or innovative ideas that the government may be unwilling to try. If successful, the relatively small experimentalist projects of a philanthropy can then be magnified in public life through publicly funded government efforts. Unlike the pluralist argument, Professor Reich thinks that this argument for big philanthropy has some genuine merit.

Reich ultimately challenged audience members, as critically engaged citizens of a democratic society, to take up a more nuanced attitude toward big philanthropy than blind gratitude. For the Mudd Center, it has been a stimulating academic year of lectures, conversations, lunches, and conferences, all of which asked students, faculty, staff, and Rockbridge community members to appropriately question the relationship between market norms and ethics in our society. Fortunately, while the Mudd Center speakers may have left us with many questions and real worries, we are far better positioned to critique and work to improve the ethical standards of the 21st-century marketplace.
Mudd Center Calendar 2017-2018
Theme: “Equality and Difference”

Equality is an ideal that is widely embraced yet deeply contested. What does, or should, it mean to treat one another as “equals” in moral, social, or political life? Is there a tension between respect for individual differences and equality of treatment? Do groups or cultures, as well as individuals, have a claim to be treated equally? What happens if formal equality and substantive equality conflict? What is the relation between equality and justice? The aim of this year’s series is to explore these and related questions about “equality and difference.”

FALL

9/28/17 (5:30 pm – 6:45 pm) Lee Chapel
Tariq Ramadan, HH Sheikh Hamad Bin Khalifa Al Thani
Professor of Contemporary Islamic Studies, Oxford University

10/3/17 (12:00 pm – 1:15 pm) Hillel Multipurpose Room
Julie Woodzicka, Abigail Grigsby Urquhart Professor of Psychology, Washington and Lee

10/26/17 (5:00 pm – 6:15 pm) Stackhouse Theater, Elrod Commons
T.M. Scanlon, Alford Professor of Natural Religion, Moral Philosophy, and Civil Polity, Emeritus, Harvard University

11/8/17 (5:00 pm – 6:15 pm) Hillel Multipurpose Room
Maggie Little, Professor of Philosophy and Director of the Kennedy Institute of Ethics, Georgetown University

11/30/17 (5:00 pm – 6:15 pm) Stackhouse Theater, Elrod Commons
Laura Gómez, Founder and CEO, Atipica Inc.

WINTER

1/25/18 (5:00 pm – 6:15 pm) Stackhouse Theater
Devon Carbado, Associate Vice Chancellor of BruinX for Equity, Diversity, and Inclusion, the Honorable Harry Pregerson Professor of Law, UCLA

2/8/18 (5:00 pm – 6:15 pm) Stackhouse Theater
Suzan-Lori Parks, Pulitzer-prize winning playwright

2/14/18 (5:00 pm – 6:15 pm) Stackhouse Theater
Katherine Boo, Journalist and National Book Award-winning author

3/8/18 (5:00 pm – 6:15 pm) Hillel Multipurpose Room
Miranda Fricker, Presidential Professor of Philosophy, City University of New York

3/10/18 (afternoon) and 3/11/18 (morning) Hillel Multipurpose Room
Undergraduate Conference in Ethics
Co-Sponsored Events
The Mudd Center was proud to co-sponsor several other talks and a symposium at the university this past winter:

Deborah Johnson, Olsson Professor of Applied Ethics, Emeritus, University of Virginia, “Does Engineering Need a Code of Ethics?” March 8, 2017


Prof. Dr. Christoph Safferling, University of Erlangen (Germany), “Reflections on the ‘Rosenburg Files,’” April 7, 2017, Washington and Lee School of Law

Faculty Fellows
The Mudd Center’s Faculty Fellows program runs each year in conjunction with that year’s thematic lecture series. Faculty members in the program read the works of upcoming Mudd Center speakers and then attend interdisciplinary faculty seminars to discuss the work. The seminars allow faculty members to engage in cross-disciplinary exchanges that further their understanding of the research relevant to each speaker, allowing for a more in-depth examination of each topic throughout the year. In addition, Faculty Fellows may attend special dinners and other events with visiting speakers. Thus far, the program has had faculty participation from 18 different departments and programs throughout the university, with 19 individuals participating in the Spring of 2017:

Melina Bell, Philosophy
Laura Brodie, English
Kelly Brotzman, Poverty Studies
James Casey, Economics
Greg Cooper, Philosophy
Timothy Diette, Economics
Adrienne Hagen, Classics
Rick Herbert, Business Administration
Krzysztof Jasiewicz, Sociology and Anthropology
Fred LaRiviere, Chemistry and Biochemistry
Robin LeBlanc, Politics
Kish Parella, Law
Howard Pickett, Poverty Studies
Colin Reid, Accounting
Sandy Reiter, Business Administration
Stephanie Sandberg, Theater, Dance, and Film
Jeff Schatten, Business Administration
Erin Taylor, Philosophy
Julie Youngman, Business Administration

Newsletter Editor: Angie Smith • Event Write-ups: Zachary Taylor ’17
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